for Roans

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

JOHN F. CORCORAN, CLERK BY: DEPUTY CLERK

CLERK'S OFFICE U.S. DIST, COURT

MICHAEL EUGENE MONTGOMERY,	) Case No. 7:05CV00131
Plaintiff,	) ) )
v.	)
SIA JOHNSON, et al.,	<ul><li>By: Jackson L. Kiser</li><li>Senior United States District Judge</li></ul>
Defendants.	, )
	)
	)

Before me now are the Defendants' Objections to the Magistrate Judge's Report and Recommendation and their Motion for Summary Judgment. For the reasons set forth in the accompanying Memorandum Opinion, I ADOPT the recommended disposition in the Magistrate Judge's Report and Recommendation in part and REJECT it in part. Montgomery may proceed on his excessive force claim with respect to the decision to allow him to remain in four point restraints against Defendant Bondurant. Montgomery's other claims against Defendant Bondurant are hereby dismissed. Moreover, all of Montgomery's claims against Defendants Shults, Friss, and Johnson are dismissed. Consequently, I GRANT the Defendants' Motion for Summary Judgment in part and DENY it in part. The case will be REASSIGNED to the Big Stone Gap Division for trial by the Court.

The Clerk is directed to send a copy of this Order and accompanying Memorandum Opinion to all counsel of record.

Entered this 1th day of February, 2007.

Senior United States District Judge